



A DOCPHOENIX

## APPL PARTS

**IMIS**  
Internal Misc. Paper  
**LET**  
Misc. Incoming Letter

**371P**  
PCT Papers in a 371 Application

**A...**  
Amendment Including Elections

**ABST**  
Abstract

**ADS**  
Application Data Sheet

**AF/D**  
Affidavit or Exhibit Received

**APPENDIX**  
Appendix

**ARTIFACT**  
Artifact

**BIB**  
Bib Data Sheet

**CLM**  
Claim

**COMPUTER**  
Computer Program Listing

**CRFL**  
All CRF Papers for Backfile

**DIST**  
Terminal Disclaimer Filed

**DRW**  
Drawings

**FOR**  
Foreign Reference

**FRPR**  
Foreign Priority Papers

**IDS**  
IDS Including 1449

**NPL**  
Non-Patent Literature

**OATH**  
Oath or Declaration

**PET**  
Petition

**RETMAIL**  
Mail Returned by USPS

**SEQLIST**  
Sequence Listing

**SPEC**  
Specification

**SPEC NO**  
Specification Not in English

**TRNA**  
Transmittal New Application

**CTNF**  
Count Non-Final

**CTRS**  
Count Restriction

**EXIN**  
Examiner Interview

**M903**  
DO/EO Acceptance

**M905**  
DO/EO Missing Requirement

**NFDR**  
Formal Drawing Required

**NOA**  
Notice of Allowance

**PETDEC**  
Petition Decision

## OUTGOING

**CTMS**  
Misc. Office Action

**1449**  
Signed 1449

**892**  
892

**ABN**  
Abandonment

**APDEC**  
Board of Appeals Decision

**APEA**  
Examiner Answer

**CTAV**  
Count Advisory Action

**CTEQ**  
Count Ex parte Quayle

**CTFR**  
Count Final Rejection

## INCOMING

**AP.B**  
Appeal Brief

**C.AD**  
Change of Address

**N/AP**  
Notice of Appeal

**PA..**  
Change in Power of Attorney

**REM**  
Applicant Remarks in Amendment

**XT/**  
Extension of Time filed separate

### Internal

**SRNT**  
Examiner Search Notes

**CLMPTO**  
PTO Prepared Complete Claim Set

**ECBOX**  
Evidence Copy Box Identification

**WCLM**  
Claim Worksheet

**WFEE**  
Fee Worksheet

### File Wrapper

**FWCLM**  
File Wrapper Claim

**IIFW**  
File Wrapper Issue Information

**SRFW**  
File Wrapper Search Info



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,940	11/28/2000	Dale B. Schenk	15270J-004751US	9389
20350	7590	10/04/2004	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			NICHOLS, CHRISTOPHER J	
			ART UNIT	PAPER NUMBER
			1647	

DATE MAILED: 10/04/2004

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



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20350 7590 10/04/2004

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EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

NICHOLS, CHRISTOPHER J

ART UNIT

PAPER NUMBER

1647

DATE MAILED: 10/04/2004

## Notice of Fee Increase on October 1, 2004

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after October 1, 2004, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" because some fees will increase effective October 1, 2004. See Revision of Patent Fees for Fiscal Year 2005; Final Rule, 69 Fed. Reg. 52604, 52606 (May 10, 2004).

The current fee schedule is accessible from WEB site (<http://www.uspto.gov/main/howtofees.htm>).

If the fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due" but not the correct amount in view of the fee increase, a "Notice of Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice of Pay Balance of Issue Fee," if the response to the Notice of Allowance is to be filed on or after October 1, 2004 (or mailed with a certificate of mailing on or after October 1, 2004), the issue fee paid should be the fee that is required at the time the fee is paid. See Manual of Patent Examining Procedure (MPEP), Section 1306 (Eighth Edition, Rev. 2, May 2004). If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously-paid issue fee should be paid. See MPEP Section 1308.01.

Effective October 1, 2004, 37 CFR 1.18 is amended by revising paragraphs (a) through (c) to read as set forth below.

### Section 1.18 Patent post allowance (including issue) fees.

(a) Issue fee for issuing each original or reissue patent, except a design or plant patent:

By a small entity (Sec. 1.27(a))..... \$685.00

By other than a small entity..... \$1,370.00

(b) Issue fee for issuing a design patent:

By a small entity (Sec. 1.27(a))..... \$245.00

By other than a small entity..... \$490.00

(c) Issue fee for issuing a plant patent:

By a small entity (Sec. 1.27(a))..... \$330.00

By other than a small entity..... \$660.00

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

**Notice of Allowability**

Application No.

09/724,940

Examiner

Christopher J Nichols, Ph.D.

Applicant(s)

SCHENK, DALE B.

Art Unit

1647

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 24 June 2004.
2. ☒ The allowed claim(s) is/are 59-104.
3. ☒ The drawings filed on 25 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 8/27/02 6/7/02 10/1/03 8/5/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.